\* DEPUTY ZONING COMMISSIONER

8th Election District \* OF BALTIMORE COUNTY 3rd Councilmanic District Case No. 94-257-A Epworth United Methodist Church

Petitioner . . . . . . . . . . .

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Epworth United Methodist Church, by William E. Gerber, Chairman of the Board of Trustees. The Petitioner seeks relief from Section 413.1.b of the Baltimore County Coming Regulations (B.C.2.R.) to permit an existing Church Bulletin Board (sign) of 120 sq.ft. total (60 sq.ft. per side) in lieu of the permitted 30 sq.ft. total, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Jeffrey Jones, Pastor of the Epworth United Methodist Church, William Gerber, Board of Trustees Chairman, and Norman Gerber, Coning Consultant. The Petitioner was represented by John McCucken, Esquire. Appearing as Protestants in the matter were Frank Anders, President of the Sherwood Hill Improvement Association, and Terry Fahey and Clay M. Barnes, residents of the community.

Testimony indicated that the subject property, known as 600 Warren Road, consists of 3.348 acres, more or less, zoned D.R. 3.5 and is improved with a Charch, carriage house, and Bulletin Board sign which is the subject of this request. On behalf of the Petitioner, Mr. John McGucken testified that the Church hired a contractor to construct the subject illuminated sign on the property in 1991. Testimony indicated that the money used to purchase the sign was a memorial gift from a family in memory of a deceased

member of the church. The Petitioner obtained the necessary permits from Baltimore County in October 1991 to erect the subject sign which has existed on the property for the past two and one-half years. In October 1993, the Petitioner was advised that the permit issued some two years prior was issued in error. Apparently, a zoning technician had erroneously signedoff on the permit, not realizing the necessity of a variance. The Petitioner was advised to file the instant Petition to correct the error.

Testimony offered by both Pastor Jones and Mr. William Gerber was that unreasonable hardship would result if they were required to remove the sign inasmuch as the cost for same was donated to the Church and the nature of the donation in memory of a deceased member. The Petitioner would like the sign to remain in its present location, and to permit its illumination to continue. Testimony indicated that the lighting is on a timer which turns the light off between 11:00 PM and 11:30 PM.

Testimony offered by the Protestants was that the sign is illuminated until the late hours of the evening. They believe it detracts from the residential character of the neighborhood. The Protestants also fear that to allow the sign to remain illuminated will cause other businesses in the area to install illuminated signs which they indicated has happened further down Warren Road towards York Road at a Baptist Church.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

SWEDFOR FILING

G.

whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

- 2-

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. However, in consideration of the concerns raised by the Protestants, I will restrict the hours and intensity of the sign's illumination. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's

Pursuant to the advertisement, posting of the property, and variance requested should be granted.

Baltimore County this \_\_\_\_\_ day of May, 1994 that the Petition for Variance seeking relief from Section 413.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a Church Bulletin Board of 120 sq.ft. total (60 sq.ft. per side) in lieu of the permitted 30 sq.ft. total, in

request is in strict harmony with the spirit and intent of the B.C.Z.R.

public hearing on this Petition held, and for the reasons given above, the

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for

- 3-

accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The subject sign shall not be illuminated between the hours of 10:00 PM and 6:00 AM on any given day. The intensity of the illumination shall be determined by the Office of Planning and Zoning and enforced by the Zoning Enforcement Division of the Zoning Administ tration and Development Management (ZADM) office.

3) The language contained on the sign shall be at the discretion of the Epworth United Methodist Church; however, there shall be no advertising matter contained on this sign unless it is related to Church activities or fundraisers.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the granting of the variance in this particular case shall not constitute a precedent for any other Church to obtain a similar sign without a public hearing to determine the appropri ateness of same

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

State 113 Courthouse 400 Washington Avenue Towson MD 21204

To the second

May have the

(410) 887-4386

John McGucken, Esquire 823 Warren Road Cockeysville, Maryland 21030

RE: PETITION FOR SPECIAL HEARING N/S Warren Road, 46' E of the c/l of Abby Road (600 Warren Road) 8th Election District - 3rd Councilmanic District Epworth United Methodist Church - Petitioner Case No. 34-25/-A

Dear Mr. McGucken:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Deputy Zoning Commissioner for Baltimore County

TMK:bis

cc: Pastor Jeffrey W. Jones 314 Wickersham Way, Cockeysville, Md. 21030

Mr. Frank Anders, President Sherwood Hill Improvement Association 10609 Topsfield Drive, Cockeysville, Md. 21030

Mr. Terry Fahey 233 Dawson Drive, Cockeysville, Md. 21030

Mr. Clay M. Barnes 207 Dawson Drive, Cockeysville, Md. 21030

People's Counsel; Fi

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 600 Warren Rd., Cockeysville, MD 21030 which is presently zoned DR-3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Veriance from Section(s) 413.1.b of Baltimore County Zoning Regulations to permit a Church Bulletin Board of 120 sq. ft. (60 sq. ft./side) instead of the permitted 30 total sq. ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The existing bulletin board was erected in 1991 as per an approved building permit #8108966 at an expense of over \$5000. To be required to remove the existing bulletin board and replace it with a smaller sign would create an unreasonable hardship and practical difficulty.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are legal owner(s) of the property which is the subject of this Petition
	Legal Owner(s)
(Type or Print Name)	Epworth United Methodist Church
Signature	Signature Spring
Address	William E. Gerber, Chairman of Board
G / State Zypcode Attorney for Petitioner	Significant Signif
THE PERSON OF TH	
(Type or Print Name)	P.O. Box 942, 200 Cockeysville Rd.
	Cockeysville, MD 21030
Pgnature	City State Zipcode Mame Address and phone number or representative to be contacted
Address Phone No	Name
	Name
Thate Zipcode	Address Phone No.
	OFFICE USE ONLY
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NEVIEWED BY: 25 / DATE 12/21/93

Description of Property at 600 Warren Road Owned by the Epworth United Methodist Church 94-257-A

Beginning at a point on the north side of Warren Road, 46'.00" east of the center line of Abby Road and running thence, N-6°-12'-40" E 20.60', N- 39°-07'-47"-W 28.08', N-6°-16'-34"-E 310.52' along the right-of-way of Abby Road, S-57<sup>O</sup>-29'-39"-E 323.68', S-26<sup>O</sup>-52'-03"-E 291.65', to a point in Warren Road, and running thence, S-55°-37'-57"-W 165.0', S-77°-22'-57"-W 75.90', N-12°-52'-03"-W 16.50' to the northern boundary of Warren Road and thence, S-77°-22'-57"-W 42.80' along the northern boundary of Warren Road, and N-83<sup>O</sup>-47'-20"-W 218.58' to the place of beginning.

Containing 3.484 acres +/-



#257

CERTIFICATE OF POSTIM

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CERTIFICATE OF PUBLICATION

TOWSON, MD., THIS IS TO CERTIFY, that the arrivered advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive 

94-257-A

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> · · - chi - 11205.00

It in himber: 257

(410) 887-3353

Please Make Checks Payable To: Baltimore County

**Baltimore County Government** 

Office of Zoning Administration

and Development Management

January 21, 1994

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

#257

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER

For newspaper advertising: liem No · Z57 Petitioner: Epworth United methodot Church Location: 600 Warren Rd, Cockeysuile mo 21030 PLEASE FORWARD ADVERTISING BILL TO: NAME: Equarth United Methodist Church ADDRESS: P.O. Box 942, 200 Cockeysule Rd. (ackeysuille MD 21030 PHONE NUMBER:

411 West Chesapeake Avenue

Towson, MD 2120)

(Revised 04/09/93)

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

1-3 94

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

DAVID N. RAHISEY, ACIMG CHIEF

Re: Baltimore County

Item No.: + 357 (MJK)

**Engineering Access Permits** 

My telephone number is \_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Saltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Saltimore, Maryland 21202 Item Number: 257 <u> MJK</u> Date Filed: 12-21-93

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the

The following information is missing: Descriptions, including accurate beginning point Actual address of property

Zoning Acreage

Plats (need 12, only \_\_\_\_submitted)
200 scale zoning map with property outlined Election district Councilmanic district BCZR section information and/or wording

Hardship/practical difficulty information Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address Signature (need minimum 1 original signature) and/or

printed name and/or title of person signing for legal owner/contract purchaser Power of attorney or authorization for person signing for legal owner and/or contrast purchaser Attorney's signature (need minimum 1 original signature)

and/or printed name and/or address and/or telephone number Notary Public's section is incomplete and/or incorrect and/or commission has expired

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

DATE: January 5, 1994

Arnold Jablon, Director

Development Management

Zoning Administration and

Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

Item No. 243, 248, 250, 251, 253, 255, 256, **257**, and 259.

PET-FLAG (TXTSOPH) 11/17/93

**Baltimore County Government** Office of Zoning Administration and Development Management

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 M. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Townon, Maryland 21204 as follows:

CASE NUMBER: 94-257-A (Item 257) 600 Warren Road N/S Warren Road, 46' E of c/l Abby Road 8th Election District - 3rd Councilmanic Petitioner(s): Epworth United Methodist Church HEARING: WEDNESDAY, FEBRUARY 2, 1994 at 2:00 p.m. in Rm. 118, Courthouse.

Variance to permit a church bulletin board of 120 square feet (60 square feet/side) instead of the permitted 30 square feet total.

111 West Chesapeake Avenue

Towson, MD 21204

cc: Epworth United Methodist Church

NOTES: (1) ZOWING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEARE AVERUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government Fire Department

700 East Joppa Road Suite 901

C+10) 887...+500

Towson, MD 21286-5500

ZAC.243/PZONE/ZAC1

Printed on Recycled Paper

all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on December 21,

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process

problems with regard to the proposed improvements that may have a bearing

feel that they are capable of filing petitions that comply with

with this office. 1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who

111 West Chesapeake Avenue

William E. Gerber

Dear Mr. Gerber:

on this case.

200 Cockeysville Road

P.O. Box 942

Chairman of the Board of Trustees

RE: Case No. 94-257-A, Item No. 257

1993, and a hearing was scheduled accordingly.

Petition for Variance

Fetitioner: Epworth United Methodist Church

Cockeysville, Maryland 21030

Towson, MD 21204

FASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET		
NAME	ADDRESS	
JOHN T MCGUCKEN	823 WARREN RD	
	COCKEYSUILLE MD, 21030	
JEFFRY IV Jones	314 WICKERSHAM WAY	
	COCKEYSVILLE MO ZW30	
MORNIAN EGYPTA	35 PICKBURU OT	
	accepsuice MD21030	
William E GERBER	2105 THETON AVE	
	Reisters FOUN MD 21136	

PLEASE	PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET		
	NAME	ADDRESS	
SHEEMOOD HILL IMPROVEMENT ASSO. LOGOS TO PSFIELD DRIVE			
	C/o Frank anders		
	TERRY FAHEL		
	233 DAUSON DIE		
	<b>1 1 1 1 1 1 1 1 1 1</b>		
	Clay M. Barres,		
	201 Dawson Drive		
	Cockeysville MD 21030		







